

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.11208 of 1995

Between:

K.Anantaiah ... Petitioner

And

1. The Director of School Education,

Govt. of A.P. Hyderabad and 2 others ... Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.11208 of 1995

ORAL ORDER:

Seeking a direction to the respondents to approve, absorb and regularize his services as attender with effect from 1.4.1985 with all consequential and attendant benefits, the present writ petition is filed by the petitioner, an Attender in the 3rd respondent – school.

During the pendency of the writ petition the proposal submitted by the 3rd respondent, seeking regularization of services of the petitioner, was rejected by the 2nd respondent. Consequent thereto an amendment petition, in W.P.M.P.35196 of 1995, was filed and the same was ordered by order dated 20.1.1996.

The impugned order of rejection dated 14.11.1995 was on the ground that, as per G.O.Ms.No.237 dated 4th April 1985, full time contingent staff must have been in existence for not less than 10 years as on 1.4.1985 and it is such posts which are to be converted into Class IV posts. The 2nd respondent held that since the petitioner was converted as Full Time Watchman only with effect from 20.6.1978, he had not completed 10 years of service as on 1.4.1985, since his services prior to 20.6.1978 were as a part time watchman, and he did not fulfil the conditions prescribed in the said G.O.

Sri Y.Venkat Sastry, learned counsel for the petitioner would refer to G.O.Ms.No.237 dated 4.4.1985 to submit that under the said G.O. what was sought to be converted were only posts of watchman and the conditions stipulated therein had been fulfilled in so far as the post of watchman in the 3rd respondent- school is concerned. Learned counsel would submit that the requirement for conversion of a full time Watchman post, into that of Attender, is that the post must have been in existence for a period of not less than 10 years as on 1.4.1985 and not that the petitioner must have been in service as

full time Watchman for 10 years. Learned counsel would submit that since the post of full time watchman was in existence much prior to 1.4.1975, the said post was in existence for more than 10 years as on 1.4.1985. Learned counsel would submit that the petitioner's case is governed by G.O.Ms.No.212 dated 22.4.1994 wherein any employee who has put in 5 years of service as on 25.11.1993 is entitled for regularization of his services.

While the submission of Sri Y.Venkat Sastry, learned counsel for the petitioner, regarding the interpretation to be placed on G.O.Ms.No.237 dated 4.4.1985 is not without merit the relief sought for is for regularization of the petitioner's services in accordance with G.O.Ms.No.212 dated 22.4.1994 and not G.O.Ms.No.237 dated 4.4.1985. The respondents have not considered the case of the petitioner for regularization of his services in accordance with G.O.Ms.No.212 dated 22.4.1994.

It would meet the ends of justice if the 3rd respondent is directed to submit a detailed proposal, seeking regularization of the services of the petitioner in accordance with G.O.Ms.No.212 dated 22.4.1994, within a period of one month from the date of receipt of a copy of this order, to respondents 1 and 2, who shall, within three months from the date of receipt of the said proposal, consider the case of the petitioner for regularization of his services in accordance with law, within a period of three months thereafter.

The writ petition is accordingly disposed of. However, in the circumstances, without costs.

12-6-2006

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